

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 585 OF 2005

IN

WRIT PETITION NO. 532 OF 2004

Commissioner of Customs (Prev.) Mumbai .. Applicant

V/s

M/s Jai Bhagwati Impex Pvt. Ltd & Ors. .. Respondents

Mr.S.M. Shah with Mr.Y.S. Bhate for the Applicant.

Mr.Madhur Baya with Mr.N.S. Thakkar for the Respondents.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATE : 15TH DECEMBER 2005

P.C. :

1. Heard Mr.Shah in support of this motion.
Mr.Baya appears for the Respondents.

2. Motion seeks to set aside the order passed by the Prothonotary & Senior Master to dismiss the petition for not removing the office objections. More than 630 days have gone after that order has been passed. That apart, the main order in the petition is one whereby penalty of Rs.5 lakhs is set aside as unsustainable by a Bench of the Customs Excise and Gold Control Appellate Tribunal consisting of a Judicial Member and a Technical

Member by giving reasons. In the facts of the present case, no purpose will be served by restoring the petition. Motion is dismissed.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)